

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GABRIEL HERNANDEZ, *et al.*,

Plaintiffs,

vs.

CREATIVE CONCEPTS, *et al.*,

Defendants.

2:10-cv-02132-PMP -VCF

ORDER

(Motion to Compel Discovery to All *Pro Se* Defendants #207)

Before the court is plaintiffs' Motion to Compel Directed to All *Pro Se* Defendants. (#207). Defendants did not file an Opposition.

Motion To Compel

Plaintiffs assert in their motion to compel that they sent written discovery to each of the *pro se* defendants (#207 Exhibit A), but that none of the *pro se* defendants responded. (#207). Plaintiffs also assert that defendant John Speidel refuses to be deposed in this action, and that he "halted" the deposition in California on the first day due to a medical condition, and "halted" the deposition on the second day after only a small number of questions. *Id.* Plaintiffs state that Speidel should be compelled to continue his deposition. *Id.* The plaintiffs also contend that Speidel is in control of approximately 15-20 boxes of original documents relating to the NPL Sponsorship Program, and that he refuses to turn over the originals for safe keeping to *any* counsel in this matter. *Id.* The plaintiffs state that they have good cause to believe that the documents will be lost, destroyed, or made otherwise unavailable based on the history of Speidel's actions. *Id.* No opposition to the motion was filed.

Plaintiffs ask this court to enter an order (1) compelling the Defendants to respond to discovery and provide complete answers to all outstanding discovery without objection, (2) requiring Speidel to appear for his deposition, and (3) compelling Speidel to produce all boxes containing original documents so that the materials can be accessed by counsel in this case and safeguarded for trial. *Id.* As the *pro se* defendants did not file an opposition to the motion (#207) and did not dispute any of the arguments made by plaintiffs, the court finds that granting the motion is appropriate. *See* Local Rule 7-2(d)(“[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.”).

Accordingly and for good cause shown,

IT IS ORDERED that plaintiffs’ Motion to Compel Directed to All *Pro Se* Defendants (#207) is GRANTED.

IT IS FURTHER ORDERED that:

(1) on or before May 3, 2013, *pro se* defendants must respond to discovery and provide complete answers to all outstanding discovery without objection,

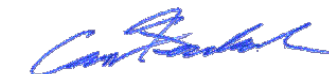
(2) plaintiffs may notice John Speidel’s deposition for a time on or before May 10, 2013, and Speidel must appear for his deposition,

(3) on or before May 3, 2013, John Speidel must produce all boxes of original documents to plaintiffs’ counsel,

(4) plaintiffs’ counsel must meet with defense counsel to agree upon the appropriate manner in which to store the boxes until trial, and

(5) failure to comply with this order will result in the imposition of sanctions.

DATED this 17th day of April, 2013.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE